

National Association of Charterboat Operators

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Valdez Charterboat Assn.
United Boatmen
Upper Bay Charter Captains Association
Virginia Charter Boat Assn.
Waukegan (IL) Charterboat Assn.
Westport (WA) Charter Assn.

July 20, 2003

Docket Management Facility
(USCG-2003-14749)-50
U.S. Department of Transportation
Room PL-401
400 Seventh Street, S.W.
Washington, DC 20590-0001

Re: Comments on proposed rulemaking Department of Homeland Security, Coast Guard, 33 CFR Parts 104, 160, and 165; 46 CFR Parts 2, 31, 71, 91, 115, 126, and 176, (USCG-2003-14749), RIN 1625-AA46, Vessel Security, dated July 1, 2003.

Dear Sirs:

We respectfully request your serious consideration of our comments and concerns regarding the above. NACO represents over 3300 Charterboat owners and operators from Alaska to the Gulf of Mexico to Maine. NACO has maintained an excellent cooperative relationship with the USCG since our founding in 1991 and has worked well with them in development and implementation of various regulations and requirements that affect the charterboat industry. We are the leading voice in the United States representing charterboat owners and their operations. Here are our comments and concerns regarding the proposed rule.

You should be aware that after 9/11, NACO on behalf of the charterboat industry initiated a cooperative effort with the U.S. Coast Guard to better protect the maritime domain. As a result, we were able to form a cooperative Memorandum of Agreement with you that was signed in November 2002 by Rear Admiral Pluta and our Vice Chairman Ed O'Brien. This MOA is effective through December 31, 2006 and we expect to continue the MOA well into the future. The MOA lays the frame work for cooperation between charter vessels and the USCG in providing the opportunity for NACO to participate in local port security committees and calls for NACO members to immediately report any suspicious activity to the local OCMI or response center. As you can see, NACO has taken the lead for charterboats to assist the USCG and local enforcement personnel in protecting our country.

NACO represents and speaks on the behalf of small, mostly family owned and operated businesses. The vessels operated by these family businesses generally are in the size range of fifteen (15) to sixty five (65) feet. Some of our larger fishing vessels will be up to one hundred (100) feet. Charterboats are also less than 100 gross tons. The vessels will range in passenger capacity from the typical guide vessel carrying one (1) or two (2) passengers all the way up to the 100 foot vessel which may be U.S. Coast Guard certified for up to 150 passengers. With the exception of trailered guide boats, most all charter vessels will operate from and return to the same dock every day. Their route generally will not exceed more than 50 miles offshore with some operating in bays and estuaries and some extending as far as 100 miles offshore. Our knowledge of the charterboat industry is vast. We have identified over 16,000 for-hire fishing vessels operating in the United States. We have extensive research on the social and economic impacts of the charterboat industry. The information provided in the federal register provides economic information about various vessels and we question the projected impact of

this rule on the charterboat industry. We would argue that in the vast majority of cases, with the exception that we have U.S. Coast Guard licensed personnel in charge of the vessel, charterboats are very much like recreational vessels. This being the case, it is clear that the risk associated with our vessels is extremely minimal at best. Under the Gross Tonnage Threshold Determination you clearly state "Based on the N-RAT assessment, the smaller vessels (gross tonnage <100) are unlikely to be involved in a transportation security incident because of the limited consequences they are expected to produce due to their limited size and speed." Clearly you have identified that charterboats will be very unlikely to be involved in a transportation security incident. We also question the need for this rule to apply to charterboats given all of the information we have provided about the operation of charterboats in U.S. waters. In addition we would refer you to the MOA between NACO and the USCG. Clearly, due to the facts already stated, charterboats should be exempt from this rule and should be granted a blanket waiver from having to comply with this rule.

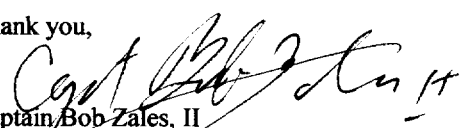
Given the extreme minimal risk of harmful activity being associated with charterboats and the very high monetary costs and burdens associated with imposing this rule on charterboats, we respectfully request that charterboats up to 100 feet, passenger capacity up to 150 passengers, gross tonnage <100, and both uninspected and inspected, be exempt from or be given a waiver to not have to comply with this rule. We understand that although the majority of these vessels will fall under subchapter T, in some circumstances some of these vessels will have to comply in part with subchapters H and K. We suggest that the minor requirement for part of subchapter H and K not be the requirement to comply with this rule. Clearly, NACO, on behalf of the charterboat industry has demonstrated our proactive and willing desire to help prevent harmful attacks in the maritime domain. Requiring charterboats up to the size and passenger capacity identified here to comply with this rule would be overly burdensome to the owners and the government. While we agree that one incident and the possible loss of life is far more tragic and costly, we argue that we have already instituted very effective and reasonable measures to help prevent such an incident. Reality is that the charterboat industry is extremely unlikely to be used in a harmful maritime security incident and in all likelihood will be the first vessels to be able to warn against such an incident. Any requirement to implement excessive training, create new positions, require new expensive equipment and training to operate such equipment will be overly burdensome and economically impractical for the vast numbers of family owned charterboat businesses.

The over whelming burden of complying with such a rule, the excessive costs and time involved when associated with the potential risks clearly show that for the charterboat industry this rule is impractical and unnecessary.

We recommend that for inspected vessels 100 foot or less, less than 100 gross tons, and carrying fewer than 150 passengers that upon inspection or reinspection, that their certificate of inspection reflect a waiver from this rule and/or information that the vessel does not have to comply with the rule. The Commandant should be the person to have the authority to grant such information. The waiver and/or non compliance of this rule should be equal to all charterboats.

We respectfully request a response to our comments and look forward to continued cooperation with the USCG. As always, our door is open and we look forward to discussions with you.

Thank you,


Captain Bob Zales, II
Chairman

Cc:file